THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 11024 OF 1994

Between :

P. Victor Raju
S/o Gaddiyya,
Visakhapatnam

… Petitioner

And :

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam and another

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 11024 OF 1994

ORAL ORDER :

The writ petition is directed against a show cause notice dated 15.6.1994 issued by the 1st respondent calling upon the petitioner to show cause why he be not reverted from the post of Assistant Controller of Stores (Class-I) [the post held by the petitioner at the time of institution of the writ petition] to the post of Deputy Store Keeper. The prima facie reasons that weighed with the respondents for proposing the reversion of the petitioner have been set out in considerable detail in the impugned show cause notice.

In the writ petition as well as at the hearing, the learned counsel for the petitioner merely states that none of the grounds set out in the impugned show cause notice proposing reversion

of the petitioner are valid. Nothing is pleaded or urged to show why a mere show cause notice should be interdicted u/Art. 226 of the Constitution. It is not the petitioner's case that the 1st respondent had no competence to issue the show cause notice proposing reversion nor is malafides of the 1st respondent urged or demonstrated.

In the aforesaid circumstances there are no merits in the writ petition. The writ petition is frivolous and is accordingly dismissed with costs of Rs.2,500/- (Rupees Two thousand five hundred only) payable by the petitioner to the 2nd respondent – Port Trust, within a period of two months from today.

The petitioner shall submit an explanation, should he so desire, to the impugned show cause notice within a period of 15 days from today. The 1st respondent shall pass final orders, pursuant to the impugned show cause notice dated 15.6.1994, within 30 days from the date of receipt of the explanation by the petitioner; or on the petitioner failing to submit his explanation (within 15 days from today), within 45 days from today; and shall communicate the final order duly recording reasons and dealing with the explanation of the petitioner to the show cause notice if any, to the petitioner, within the aforesaid time.

The writ petition is accordingly dismissed with costs.

Dt: 29.08.2006 ----------

Pvsn Justice G. Raghuram